

[Sri N. Nallasenapathi Sarkarai Manradiator] [8th November 1965]

But according to sub-section (2) of section 11 of Madras Act XV of 1951, the warehouseman can dispose of the goods only by public auction at the cost and risk of the depositor and not in any manner as the warehouseman thinks fit. Hence sub-section (2) of section 11 has to be amended so as to enable the inclusion of a condition in the warehouse receipt to the effect that when the warehouseman is unable to sell the goods by public auction he may dispose of the goods in any manner he thinks fit.

Consequently, it has been decided that when the goods are sold otherwise than by public auction, the warehouseman should be enabled to deduct from the proceeds of the sale the charge incurred in selling the goods and all other amounts due to him from the depositor on any account. It has also been decided that the warehouseman should account for the balance of the sale proceeds, if any, in the prescribed manner and that if the goods are disposed of otherwise than by sale by public auction then, the warehouseman should not be subject to any liability by reason of such disposal. Necessary provisions for the above purpose have been made in section 11 by inserting two new sub-sections. With these words, I commend the motion for the acceptance of the House.

MR. SPEAKER: The question is—

‘That the Madras Warehouses (Amendment) Bill, 1965 be taken into consideration’.

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 1, the Enacting Formula and the Long Title were put and carried.

THE HON. SRI N. NALLASENAPATHI SARKARAI MANRADIAR: Sir, I move—

‘That the Madras Warehouses (Amendment) Bill, 1965 be passed’.

The motion was put and carried and the Bill was passed.

#### VI.—GOVERNMENT MOTION.

#### CHANGE IN THE ORDER OF BUSINESS.

THE HON. SRI R. VENKATARAMAN: Sir, under rule 21, sub-rule (3) of the Madras Legislative Assembly Rules, I move—

“That item (4) in to-day’s agenda under Government Bills viz., ‘The Madras City Tenants’ Protection (Amendment) Bill, 1965 (L.A. Bill No. 31 of 1965) be taken up before item (3) viz., ‘The Madras Land Revenue and Water-Cess (Surcharge) Bill, 1965 (L.A. Bill No. 30 of 1965) .”

The motion was put and carried.